

A RESOLUTION**BY: COUNCILMEMBER CLAIR MULLER**

A RESOLUTION AUTHORIZING THE BUREAU OF PLANNING TO RECOGNIZE AS A LEGAL NON-CONFORMING LOT OF RECORD, PROPERTY LOCATED AT 4555 SENTINEL POST ROAD (CURRENTLY ZONED R-1), THAT HAS BEEN CREATED AS THE RESULT OF PREVIOUS MODIFICATIONS OF PROPERTY LINES AND PREVIOUSLY ISSUED BUILDING PERMITS AND THAT PRESENTLY HAS A HOUSE LOCATED ON IT.

WHEREAS, conveyance by property owners of portions of their lot of record to adjoining property owners will increase the size of one lot of record and reduce and proportionately decrease the size of the other; and

WHEREAS, when these deed conveyances are recorded in the applicable county land records for purposes of ownership but not first submitted to the City, as required by state law, for purposes of re-platting the new property boundaries onto the City's Cadastral Map to ensure the resultant lot configurations meet the City's Zoning and Subdivision regulations for purposes of orderly development; and

WHEREAS, the City of Atlanta Cadastral Map is the official record of lot configurations for purposes of development; and

WHEREAS, the Bureau of Planning has determined that predecessors in title to the current owners of 4555 Sentinel Post Rd. conveyed portions of the property to the predecessors in title to the current owner of 4491 Sentinel Post Rd. and caused that such conveyance be made part of the official land records of Fulton County without first having submitted to the City's re-plat process as required by state law; and

WHEREAS, in 2000 building permits were issued for an addition onto the structure at 4555 Sentinel Post Rd upon which the property owner relied and caused the additions to be constructed notwithstanding the lot configuration discrepancy; and

WHEREAS, the property owner at 4491 Sentinel Post Rd. has submitted a building permit application to add a garage onto its property which application is currently pending; and

WHEREAS, the pending permit cannot legally issue until 4491 Sentinel Post Rd. is re-platted onto the City cadastral maps to show the current property line configurations as established by deed; and

WHEREAS, the property at 4491 Sentinel Post Rd. meets the two acre minimum lot requirements for an R-1 lot but which once re-platted will render the adjoining property at 4555 Sentinel Post Rd. below two acres in size; and

WHEREAS, the Bureau of Planning may not administratively re-plat a lot onto the City Cadastral Maps into a configuration that will render said lot or an adjoining lot below the minimum lot requirements of the applicable zoning district; and

WHEREAS, without legislative action there will be uncertainty as to the status of the lot at 4555 Sentinel Post Rd. and its owner's ability to obtain future building permits for the purpose of renovation, repair, construction, etc to the existing residential structure on the property; and

WHEREAS, the size of the lot at 4555 Sentinel Post Rd. is similar to the size of other legally non-conforming lots in the neighborhood; and

WHEREAS, the City Council desires to resolve the uncertainty in this situation given that the previous conveyances which caused this uncertainty were made by predecessors in title and not the current property owners/applicants and that building permits have issued and structures exist on the property pursuant to those permits; and

WHEREAS, it is in the public interest that the lot at 4555 Sentinel Post Rd. be recognized as a legal non-conforming lot of record so that the present owner of the house and the owner of the property located immediately adjacent to the east, at 4491 Sentinel Post Rd. are allowed to repair and make alterations or to build a new house as needed or desired.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,

Section 1: That the Bureau of Planning be authorized to change the City of Atlanta Cadastral Map for property located at 4555 Sentinel Post Road into a configuration consistent with those property boundaries as indicated on the legal description (Exhibit "A"), property boundary survey (Exhibit "B") and cadastral map (Exhibit "C"), said Exhibits incorporated herein by reference.

Section 2: That the Bureau of Planning be authorized to recognize the property located at 4555 Sentinel Post Road as one legal, non-conforming lot of record with all rights appurtenant thereto.

Section 3: This authorization applies only if all information submitted to the City and substantially relied upon by it in issuing the permit was true and correct and that the applicant did not engage in deceptive or illegal conduct in producing the aforementioned information.

Section 4: No future reconfiguration of 4555 Sentinel Post Road, or 4491 Sentinel Post Road or any lots adjoining any of them shall be permitted except in full compliance with the City of Atlanta Zoning Code.

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TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in presence of:

Martha Rollins

William L. O'Leary

Notary Public, Georgia, State At Large
My Commission Expires June 23, 1982

Charles Peter Chanin
CHARLES PETER CHANIN

(Seal)

(Seal)

(Seal)

N. P.
SEAL



BOOK 7959 PAGE 179

WARRANTY DEED	
FROM	TO
GEORGIA, Fulton County.	
Clerk's Office, Superior Court	
Filed for Record	day
of SEP 22 1981	19
at 12:34	and Recorded in Deed
Book 7959 Folio 175-179	
SEP 22 1981	19
<i>William L. O'Leary</i>	
Lawyers Title	
Insurance Corporation	
ATLANTA BRANCH OFFICE	
TITLE BUILDING	
ATLANTA, GEORGIA	

#4511 (BLUE) - OK

GEORGIA Fulton County Clerk's Office Superior Court

SEP 25 1984 4:33
Filed & Recorded

Shirley J. Rice Clerk

WARRANTY DEED

**TROUTMAN, SANDERS,
LOCKERMAN & ASHMORE**
Attorneys at Law
The Candler Bldg.
Atlanta, Georgia 30303

Georgia
Real Estate
Transfer
Tax
Due

Fulton County, Georgia
Real Estate Transfer Tax
Paid \$ 8.50
Date SEP 25 1984
By BARBARA L. PRICE
Clerk Superior Court

8.50

EXHIBIT A

STATE OF GEORGIA, Fulton County.

THIS INDENTURE, Made the 25th day of September, in the year
one thousand nine hundred eighty-four, between

VIRGINIA H. KENNEDY

of the County of Fulton, and State of Georgia, as party or parties of the
first part, hereinafter called Grantor, and

JOHN L. UNDERWOOD, III

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and
"Grantee" to include their respective heirs, successors and assigns where the context requires or
permits).

WITNESSETH that Grantor, for and in consideration of the sum of Ten & No/100
(\$10.00) and other valuable consideration ----- DOLLARS
in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents
does grant, bargain, sell, alien, convey and confirm unto the said Grantee, to wit:

All that tract or parcel of land lying and being in Land Lot 214
of the 17th District of Fulton County, Georgia, and being more
particularly described as follows:

BEGINNING at a point on the northeasterly side of Sentinel Post
Road (said road having a 50-foot wide right-of-way), 1,531.16
feet northwesterly as measured along the northeasterly side of
Sentinel Post Road, from the northeast corner of the intersection
of Sentinel Post Road and White Water Creek Road (said road
having a 50-foot wide right-of-way); thence running along said
northeasterly right-of-way line of Sentinel Post Road and along a
curve to the right an arc distance of 28.84 feet (having a chord
distance of 28.82 feet on a bearing of north 34 degrees 00
minutes 30 seconds west) to a point on the center line of a 55-
foot wide pipeline easement; thence running north 38 degrees 33
minutes east, 40.5 feet to a point; thence running north 35
degrees 54 minutes 30 seconds east, 97.9 feet to a point; thence
running north 36 degrees 38 minutes east, along said center line,
89.5 feet to a point; thence running north 38 degrees 15 minutes
30 seconds east, along said center line, 78.90 feet to a point;
thence running north 36 degrees 52 minutes 30 seconds east, along
said center line, 77.0 feet to a point; thence running north 36
degrees 36 minutes 30 seconds east, along said center line, 164.9
feet to a point on the southerly line of Lot 14 of Whitewater
Creek Colony Subdivision; thence running north 78 degrees 03
minutes 30 seconds east, 35.0 feet to a point; thence running
south 67 degrees 18 minutes 30 seconds east, 4.5 feet to a point;
thence running south 36 degrees 36 minutes 30 seconds west, 192.3
feet to a point; thence running south 36 degrees 52 minutes 30
seconds west, 77.4 feet to a point; thence running south 38
degrees 15 minutes 30 seconds west, 78.8 feet to a point; thence
running south 36 degrees 38 minutes west, 88.9 feet to point;
thence running south 35 degrees 54 minutes 30 seconds west, 98.4
feet to a point; thence running south 38 degrees 33 minutes west,
49.8 feet to a point on the northeasterly right-of-way line of
Sentinel Post Road, which point marks the POINT OF BEGINNING;
being a portion of the property shown on a survey for John L.
Underwood, III, prepared by Watts & Browning, Engineers, dated
April 24, 1978, revised September 15, 1984, and being designated
as "Parcel A" and containing 0.36 acres.

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OK - SEE SURVEY (SEE

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

Betty J. McLean
(Unofficial Witness)

x *Virginia H. Kennedy* (Seal)
(VIRGINIA H. KENNEDY)

Will W. Epstein
(Notary Public)

Notary Public, Georgia, State of Large
My Commission Expires Aug. 10, 1967



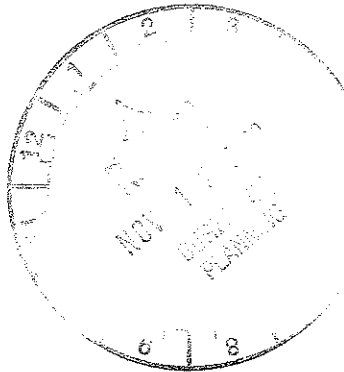
NOTARIAL
SEAL
HERE

800-9183 PAGE 436

PLEASE
TYPE
NAMES
UNDER
SIGNA-
TURES

SEND SUBSEQUENT TAX BILLS TO

NAME
ADDRESS



WARRANTY DEED

TO

Dated _____ 19____
GEORGIA, _____ County.
Clerk's Office, Superior Court.
Filed for record at _____ o'clock, _____ M.,
19____

Recorded in Book _____, page _____
19____
Clerk.

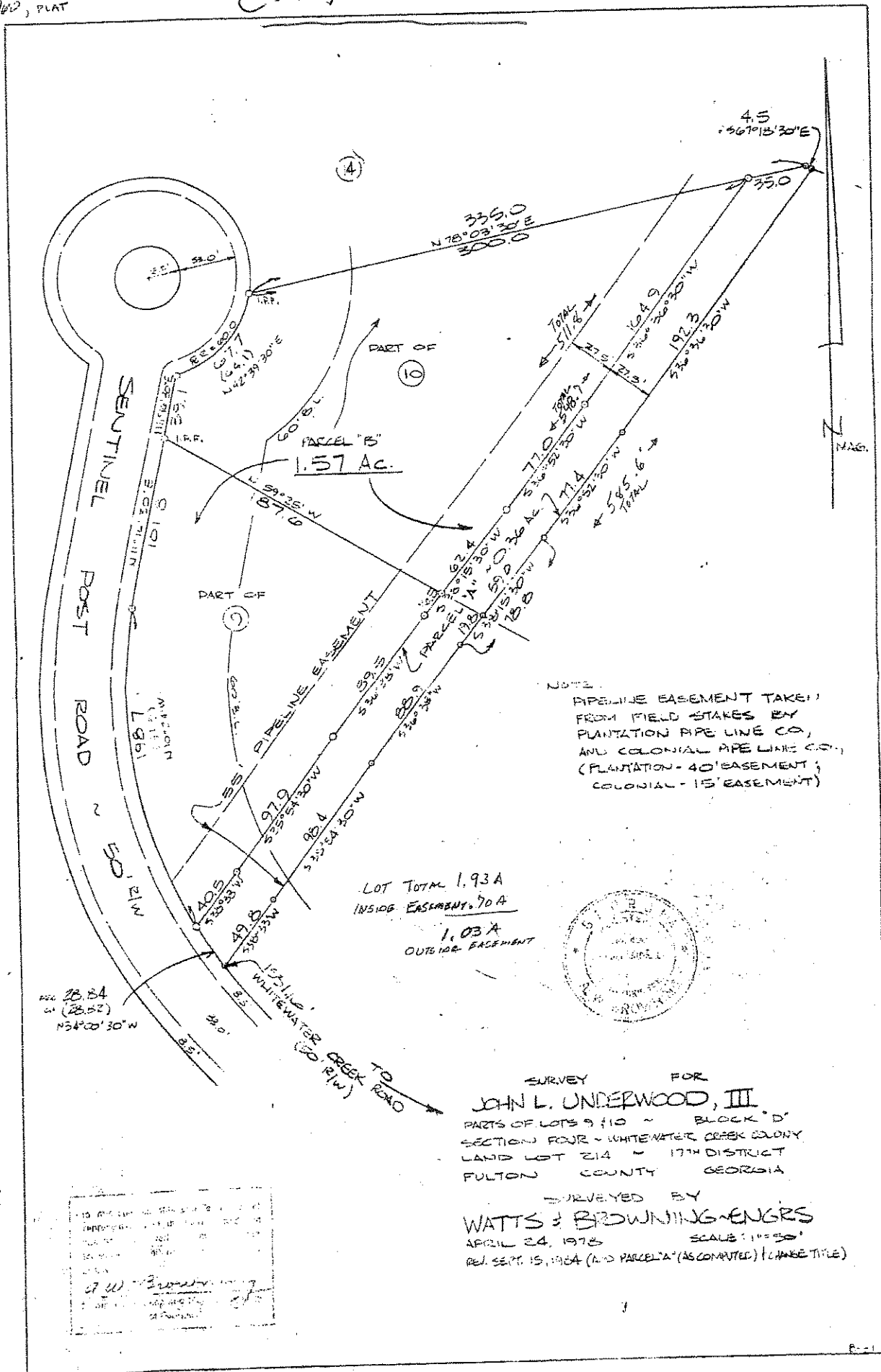
When Recorded Return To

TROUTMAN, SANDERS, LOCKERMAN & ASHMORE

ATTORNEYS AT LAW
FIFTEENTH FLOOR CANDLER BUILDING
137 PEACHTREE STREET, N. E.
ATLANTA, GEORGIA 30301

Attention *W. Epstein*

EXHIBIT B



PROPERTY BOUNDARIES

